

**UNITED STATES DISTRICT COURT**  
EASTERN DISTRICT OF CALIFORNIA

STEPHEN FEGAN,

Petitioner,

v.

SCHULTZ, et al.,

Respondents.

Case No. 1:24-cv-01250-KES-SAB-HC

ORDER DENYING PETITIONER'S  
MOTION FOR APPOINTMENT OF  
COUNSEL

(ECF No. 18)

Petitioner is a state prisoner who proceeded pro se with a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254.

On December 19, 2024, this Court dismissed the petition as an unauthorized second or successive petition. (ECF No. 12.) On January 2, 2025, Petitioner filed a notice of appeal. (ECF No. 14.) The appeal was processed and is now pending before the Ninth Circuit. (ECF Nos. 15, 16.)

On January 23, 2025, the Court received the instant motion for appointment of counsel. (ECF No. 18.) Petitioner has filed a notice of appeal, and “[o]nce a notice of appeal is filed, the district court loses jurisdiction over a case.” United States v. Sadler, 480 F.3d 932, 941 (9th Cir. 2007). See Griggs v. Provident Consumer Discount Co., 459 U.S. 56, 58 (1982) (per curiam) (“The filing of a notice of appeal is an event of jurisdictional significance—it confers jurisdiction on the court of appeals and divests the district court of its control over those aspects of the case

involved in the appeal.”). However, the Court notes that Petitioner may file a motion for appointment of counsel in the United States Court of Appeals for the Ninth Circuit.

Accordingly, IT IS HEREBY ORDERED that Petitioner’s motion for appointment of counsel (ECF No. 18) is DENIED.

IT IS SO ORDERED.

Dated: January 24, 2025

A handwritten signature in blue ink, appearing to read "Stanley A. Boone", is written over a horizontal line.

STANLEY A. BOONE  
United States Magistrate Judge